

CIVIL MANDATES

FOR

DAYS OF PUBLIC WORSHIP, &c.

IT has been doubted by some, whether it be consistent with a strict regard to Christ, as the sole lawgiver of the church, to assemble for religious worship on a day authoritatively appointed by the civil power for this purpose. We shall consider this question, particularly as respecting the late proclamation for a national fast.

In the New Testament, which is our only authoritative religious directory, we do not find any fixed seasons for public fasting and humiliation. The circumstance of the time is, therefore, left to our discretion. And, in every case in which no direction

is given in the New Testament, each person's own private judgment, concerning what is agreeable to the laws of Christ, must be his sole guide. That this is the true christian and protestant principle, is proved by Chillingworth, in his Religion of Protestants.

When several large societies of persons, who are accustomed, on account of their different sentiments, to meet in separate places of worship, and to use very different services, would join in an united act of devotion to God, it is absolutely necessary, in order to have it rightly performed, that there should be some mode of fixing a season for this purpose, and that the day determined upon should be published to the whole society in the way and manner most likely to be universally known. For were part to assemble on one day, and part on another, this would not so well evince it to be a joint act of devotion, nor so well tend to promote the good effects of it.

Now, in occasional national assemblies for worship, it must be allowed, that the choice and convenience of so great a majority as that which composes the established church ought to be suited with respect to the *time*, in order the more effectually to promote the very end and purpose of meeting. The *mode of appointing* a season, without collecting the uninfluenced ideas upon the subject of all the persons concerned,

concerned, is, I imagine, the ground of objection. But there is no practicable method of obtaining the sentiments of each individual throughout the nation, relative to the properest day of meeting for such occasional public worship. And the majority have, by the constitution of their church, vested in the King, as the head of it, a power of appointing occasional seasons of public worship for them, at his own pleasure.

But though the members of the church of England think this method of assembling religious societies accords with the idea of Christ being the only lawgiver in the church, and with the right of private judgment, dissenters are of a different opinion. And yet, in the present circumstances, there seems not to be any possible method of collecting the nation, as such, for public worship, besides this. In such a situation, then, we must either omit the performance of what we here suppose to be an acknowledged duty, or we must assent to the time fixed upon for the majority by their supreme ecclesiastical governor. It is our duty to join with them, if we can do it with a good conscience. And there seems to be no real objection to it. For if the head of any church, to which I manifest that I do not belong, exerts an authority over the members of it which they allow, but I do not allow, this is no reason for

my neglecting to join in a public act of devotion, which I think a duty, with those who perform it agreeably to my own sentiments; if I do no act that can fairly be construed into an allowance or approbation of that authority. And that the late proclamation was directed only to those who are, or are supposed to be, of the church of England, and that dissenters, by meeting in their own chapels, do not countenance any unchristian jurisdiction, may be argued from the nature of a royal proclamation, according to the constitution of this country; from the words of the proclamation itself; and from the counterpart to it, the form of prayer which was, “by the king’s special command, to be used in all churches and chapels in England and Wales.”

The late Judge Blackstone, in his Commentaries on the Laws of England, quotes Sir Edward Coke’s observation, that “the proclamations of the king have then a binding force when they are grounded upon and enforce the laws of the realm.” And the judge adduces some instances in which proclamations, not agreeable to the laws, are not binding. He also says, that “the vesting a dispensing or legislative power in any single person, the laws of England are strangers to.” Agreeably to this, whenever objections are made by any of our legislators to a proclamation, the king’s ministers vindicate

cate it by pleading that it is agreeable to the laws. Every royal proclamation, then, must be interpreted so as to accord with the existing laws of the realm. Some of these statutes relate to dissenters, and protect them in the exercise of the right of interpreting the New Testament for themselves, and of worshipping God according to their own consciences, on the conditions which they specify.

Dr. Furneaux, in his Letters to Blackstone, p. 17 & 21, observes, "that the unanimous judgment of the commissioner's delegates, and of the house of lords, affirming that judgment in the great cause between the city of London and the dissenters, 7th February 1767, was grounded entirely on this opinion, that the toleration act removed the *crime* as well as the *penalty* of mere nonconformity." The late Lord Mansfield, in his speech upon this occasion said, (p. 265, 266.) "The toleration act renders that which was illegal before, now legal; the dissenters' way of worship is permitted and allowed by this act; it is not only exempted from punishment, but rendered innocent and lawful; it is established; it is put under the protection, and is not merely under the connivance, of the law. Dissenters, within the description of the toleration act, are restored to a legal consideration and capacity; and a hundred consequences

“ consequences will from thence follow, which are
 “ not mentioned in the act. By that act the dis-
 “ senters are freed not only from the pains and
 “ penalties of the laws therein specified, but from
 “ all ecclesiastical censures, and from all penalties
 “ and punishments whatsoever on account of their
 “ nonconformity.”

Now the very principle upon which they dissent is, that Christ is the only head and lawgiver of the church, and that he has not constituted any earthly representative. They think this to be the doctrine of the New Testament, and that it is very clearly shown to be so by the late Bp. Hoadley, in his sermon on Christ's kingdom not of this world.

The royal proclamation, therefore, cannot, by the very nature of it, interfere with a right which is acknowledged and protected by a law of the whole legislature, and to which the king assents, not only by his acceptance of the constitution, but likewise by an express declaration, which he makes in his first speech to parliament after his accession, that he will maintain the toleration inviolable. To oppose the royal proclamation to the law of the realm renders it void. The proclamation, therefore, does not extend to dissenters under the description of the toleration act.

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The very style of the proclamation shews that it is not addressed to dissenters. Though the observance of the fast is enjoined upon "all the loving subjects of the king in England and Wales," yet it is added in the next sentence, that, "for the more orderly solemnizing the same, the king directs the archbishops and bishops of England to compose a form of prayer suitable to this occasion, to be used in all churches, chapels, and places of public worship, and to take care the same be timely performed throughout their respective dioceses." All loving subjects, and all churches, chapels, and places of public worship, seem to be correlative. All the subjects of the realm, and all churches, chapels, and places of public worship, are forms of expression used in former acts of parliament and proclamations, before dissenters were legally known and acknowledged. They could, therefore, be *then* applied only to those of the established church. And the expressions must *now* be interpreted agreeably to the legal nature and extent of a royal proclamation.

And the form of prayer is so accommodated to the church of England, and so connected and incorporated with its liturgy, that it is quite unsuitable to the method which dissenters use, nor could it ever be intended for them. This is evident from the king's order relative to the forms of prayer to be used annually

nually on the 5th of November, the 29th of May, the 30th of January, and the 25th of October, which particularly directs them to be annexed to the liturgy of the church of England, and to be used in all such places of worship as that is used in. Now the 30th of January is appointed to be observed as a day of fasting as well as of prayer. And the special appropriation of a form of prayer for an annual fast to the church of England, is surely a precedent and reason for considering forms for occasional fasts, as likewise appropriate to the same church, when they are equally interwoven with and adapted to its form, so as not to suit the mode of worship used by dissenters.

The extent of the proclamation, therefore, is definable by the form of prayer, which is directed to be made "suitable to the occasion, for the more orderly solemnizing the fast."

As it appears, then, from the nature and limits of the proclamation itself, and from the form of prayer which is correspondent to it, that it cannot with propriety be considered as directed to dissenters, every dissenter who joins in the service of the day at his own place of worship, does it voluntarily and of his own free will, without performing any act that acknowledges any other head of the church than Christ,

Christ, or submitting to any command of an earthly superior in matters of religion. The prayers composed by the king's direction, define the extent of his proclamation; and the objects which dissenters refuse for the purpose of their assembling, define the extent to which they go in joining with the nation in this public act of devotion. If these objects are purely christian and religious, they prove that they have a purely christian and religious view. And their selection of those objects only which they approve in the proclamation, and rejecting those which do not accord with their own ideas of such a service, do likewise clearly manifest, that the assembling together at all for this religious purpose is quite an unconstrained act.

This is farther evidenced by dissenters sometimes meeting, and sometimes not meeting, on other days, and for other purposes, appointed by law or the king's mandate. Out of the four days authoritatively set apart for annual public worship in this kingdom, three for thanksgiving, and one for fasting and prayer, only one of them, the 5th of November, which is a thanksgiving day, has been observed by dissenters; and this evidently because it accorded with their own sentiments: though it is fixed both by law and royal mandate. The 29th of May is observed by the church of England agreeably

ably to act of parliament, though dissenters never meet on that day, nor are they considered as criminal on this account. Nor do they meet on the 30th of January, or the 25th of October, both which are appointed by the king. Every year, then, dissenters have given a proof of their acting merely from their own private judgment, by not meeting on three days out of four which are authoritatively appointed, and by assembling on the fourth, because they have thought it right. To meet then on an occasional day, for a purpose which they approve, and in their usual manner, and when they can have no other opportunity of the kind, cannot surely with justice be interpreted as a deviation from their principles. On the contrary, those dissenters who select the days and objects for religious assemblies which they approve, and reject all others, give more unequivocal proofs of acting merely from private judgment, than they give who absent themselves from all such meetings, because the motives for such absence may be, and probably are, very various,

Such dissenters as are not under the description of the toleration acts, either of king William, or of the present king, cannot, in the eye of the law, claim an exemption from the command issued in the proclamation. The question then is, whether such can, agreeably to their idea of Christ being the
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sole religious lawgiver, join in public humiliation with the society with which they usually assemble for public worship on Sundays.

Now here we may observe, that all the arguments which we have just employed to shew that dissenters, under the description of the toleration statutes, act voluntarily and without restraint, apply equally to dissenters who are not thus protected. And their habitual practice of joining with a dissenting society on Sundays, and their constant avowal of sentiments correspondent to that mode of worship, prove their conduct to derive its origin from private judgment, independently of all human authority in religion. For they do this at the hazard of incurring all the pains and penalties which the law inflicts in such cases. In the same manner their attendance at their usual place of dissenting worship on a day appointed by royal proclamation, is not obeying its mandates. That requires them to meet in the parish church or chapel of the church of England, and the form of prayer is prescribed for their use. When any persons assemble in a place, and use a mode of worship which the proclamation, in conjunction with the law, discountenances and deems to be a crime in them, this action cannot manifest an acknowledgment of the right of issuing that religious mandate. They who expose themselves, by any act, to the punishment

nishment of delinquency, cannot be justly charged with countenancing, by that very act, the authority which pronounces them criminal. The transgression of a law can never be considered as a mark of respect to the lawgiver,

The fair conclusion, then, from the conduct of these latter dissenters is, that they act purely from their own private sentiments, uninfluenced by any temporal authority; because in their habitual religious practice, and in this particular instance of it, they avoid no civil evils, and gain no civil advantages, but are altogether unprotected by the laws, and exposed to their threats,

Upon the same ground on which an objection is formed against assembling for the purpose of national humiliation on the day appointed by the king's mandate, an objection might likewise be made against reading the common translation of the bible in dissenting places of worship; because it is made "by his majesty's special command, and appointed to be read in churches." The authority applies to both. And if some sentiments expressed in the one are different from those of the objectors, this is likewise the case with the other. I imagine the reason why we use the common version is, because there is not any other with which people in general are so well

well satisfied, or which they would attend to with so much advantage. And the same arguments apply to the observation of a season fixed by the king for public humiliation. If the public sentiment has any weight with respect to the habitual use of a particular version of the scriptures, it ought surely to have equal weight as to the mere *time* of assembling for an occasional act of national piety. If any plead, that when they think the common translation wrong they correct it in reading; it may be replied, that in the same manner, in their voluntary compliance with the avowed wishes of the king and the nation, as to the time of assembling for public worship, either steadily or occasionally, they may reject what they disapprove, and adopt what they think right, with respect to the purposes for which they meet.

If the argument to which we are replying be applicable to occasional, it would be equally applicable to habitual, public worship. And if it were made the rule of conduct, dissenters should never attend their own chapels on Sundays. For by the statutes of the realm, the observation of the Lord's day, as a season for regular public worship, is enjoined under certain penalties. And a law made 29th Charles II. ch. 7. sect. 1. enacts, "That all laws in force concerning the observation of the Lord's day, and repairing to church thereon, be carefully put in execution; and

“and that all and every person and persons whatsoever shall, on every Lord’s day, apply themselves to the observation of the same, by exercising themselves thereon in the duties of piety and true religion, *publicly* and *privately*.” If it be said that this day is observed from other motives, the practice of the apostles, and the first Christians, which are reasons derived from the New Testament, it may be rejoined, that if we separate the religious and Christian ground of our practice from human injunctions in the one case, we may with equal reason do it in the other.

Again, if a royal proclamation be a reason against joining with the nation in *public* devotion, a statute of the whole legislature is at least an equal reason against the practice of *private* devotion. And upon this principle, we should omit both public and private duties of piety on the Lord’s day, because they are both strictly enjoined by the statute which we have just quoted. If the argument be good in the one case, it is equally good in the other.

But, in truth, it does not apply to either of them. As civil authority should never influence us to do what is wrong, so it should never induce us to omit what is right. When a civil sanction coincides with our own idea in some respects, and in others

others does not, this cannot be a reason for our refusing to act as far as is agreeable to our own sentiments, independently of that sanction. If it be said, the motive of our conduct may be doubtful to others; reply, that it becomes us to do what we think to be our duty, though we run the hazard of having a false construction put upon our conduct. If not, we regard the judgment of men more than that of God. Ought any man to omit a duty, because there is a hazard of his being suspected only of acting contrary to duty? This is really doing wrong, to avoid its being falsely supposed that we do wrong. The laws of Christ, and the obligation to obey them, remain immutable, whatever power may be assumed in his church, or whether it be exerted for or against what he has commanded. The true disciple of Jesus, therefore, will, with equal steadiness, persevere in observing all his injunctions, whether he be countenanced or discouraged by civil sanctions, or though none such be applied. And the same firm adherence to duty which engaged our ancestors to meet for public worship, agreeably to their own sentiments, though they were forbidden by the law, should induce dissenters of the present day to assemble in the same manner, and for the purposes which they think agreeable to true christianity, though the civil power appoints a day for meeting, and though it joins with the command other matters to which they cannot conform.

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What seems to have embarrassed many on this subject is, an idea that political principles are inseparably connected with the solemnities of the fast, because some such are contained in the proclamation. But, as we every Sunday distinguish between true religion and the statutes of the realm, however the preambles of these statutes may run, or whatever subjects are interwoven in the body of them, why should we confound sincere piety with any political sentiments that occur in an occasional royal mandate? The motive from which any law or command of the king originates, concerns not us. And even though we disapprove the motive, this is no reason why we should not perform what we think our own duty, from what appears to us a proper motive. If a political principle be assigned in a political instrument for discharging a religious duty, we may nevertheless act from a religious principle.

The kingdom of Christ is not of this world. The religion of the New Testament is unconnected with local and temporary politics. Even under the tyranny of the Roman governors, neither Jesus nor his apostles used themselves; or directed others, to use any public discourses or prayers to forward or oppose the measures they were pursuing. How different are the opinions of people in general about political actions and events at the time in which they take

take place, from what they are a few years afterwards, when they are better informed respecting their origin and consequences. And sentiments upon matters not necessary to public religion, and which warmly agitate the passions, which are also formed upon insufficient grounds, and likely to be changed by a more accurate knowledge, are surely improper to form a part of public instruction or devotion. How can discourses intermixed with such transient political ideas correspond with that gospel which is the same yesterday, to-day, and for ever? And how unsuitable must such addresses be to an Omniscient Being, who seeth the end from the beginning, and whose view of every event is always immutably the same. By attending solely to the religious purpose of assembling, greater unity and concord may be preserved in the instructions and devotions, and christian charity be more promoted. The contrary is the natural and usual effect of various discordant political opinions being introduced into the services used in different places of public worship.

Further, it seems desirable and right to set what we esteem to be important truths and duties, in a fair and just point of view before others. This is letting our light so shine before them, as that they may be engaged to glorify our Heavenly Father. An unfounded opinion of dissenters in general, and of unitarians

unitarians in particular, has gone forth, that they are unfeignedly to christianity and good government. But by joining in an act of national worship to God, on such occasional days, with our brethren of the established church, we shew that, while we follow the true christian and protestant principle of disclaiming human authority in religion, we are at the same time disposed to manifest christian candour and charity towards those who differ from us, to promote the prevalence of religion and virtue, peace and good order, and to evidence our allegiance to Jesus, as the predicted and divinely empowered Messiah, by approaching his Father and our Father, his God and our God, as his disciples, and in such a manner and for such purposes as appear to us most agreeable to his commands.



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Rev. W. B. B. B.

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